IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

Bail Appl..No. 4398 of 2007()

CRMP.2782/2007 of DISTRICT COURT, THODUPUZHA
CRIME NO.100/CR/07 OF CBCID OF IDUKKI

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PETITIONER/5TH ACCUSED:

NARAYANAN NAIR, S/O.NARAYANAN NAIR
AGED 60 YEARS, KALASSARI HOUSE, KOZHIPALLI BHAGOM,
KOOTHATTUKULAM KARA, PALAKUZHA VILLAGE, IDUKKI
DISTRICT.

BY ADV. SMT.K.K.CHANDRALEKHA
SRI.SUDHEESH THAROL

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVEENDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4398 of 2007

Dated this the 20th day of July 2007

O R D E R

Application for anticipatory bail. The petitioner is the fifth accused in a crime registered inter alia under Sections 465 and 471 I.P.C. The crux of the allegations against the petitioner is that the petitioner, who was a Village Officer in the KDH village misusing his official position, was party to creation of documents and giving respectability to false and forged Pattas. He allegedly issued tax receipts showing fictitious thandaper numbers not justified by the registers maintained in the village office. This was done by him as a part of a deliberate ploy to favour persons having false Pattas, it is alleged.

2. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Powers under Section 438 Cr.P.C may be invoked to save him from the undeserved trauma of arrest and incarceration in prison, submits the learned counsel for the petitioner.

3. The application is opposed by the learned Public Prosecutor. The learned Public Prosecutor submits that there are indications which point to the culpable responsibility of the petitioner in the deliberate attempt to defraud the Government by making use of the forged and false Pattas.

4. Having considered all the relevant inputs, I am persuaded to agree that there is merit in the opposition by the learned Public Prosecutor. I am satisfied that no sufficient circumstances exist which would justify the invocation of the equitable discretion under Section 438 Cr.P.C. This, I am satisfied, is a fit case where the petitioner must appear before the learned Magistrate or the investigating officer and seek regular bail in the normal and ordinary course.

3. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007